

1 LESLIE MARK STOVALL, ESQ.
Nevada Bar No. 2566
2 ROSS MOYNIHAN, ESQ.
Nevada Bar No. 11848
3 STOVALL & ASSOCIATES
4 2301 Palomino Lane
Las Vegas, NV 89107
5 Telephone: (702) 258-3034
6 E-service: court@lesstovall.com
Attorney for Defendant Dennis Wise
7

8 UNITED STATES DISTRICT COURT
9 DISTRICT OF NEVADA

10 UNIVERSAL NORTH AMERICA)
11 INSURANCE COMPANY, a Texas)
Business entity,)
12)
Plaintiff,)
13 vs.)
14)
JOSEPH DEBLANCO, a Nevada resident;)
15 And DENNIS WISE, a Nevada resident.)
16)
Defendants.)
17)

Case No.: 2:19-cv-01303-APG-BNW

18 **DEFENDANT DENNIS WISE'S UNOPPOSED MOTION TO EXTEND DISCOVERY**
19 **DEADLINES [SECOND REQUEST]**

20 Defendant Dennis Wise, by and through his counsel of record, does hereby request an
21 order from this court extending the remaining deadlines in the current Discovery Plan and
22 Scheduling Order in this matter. This is the second request for an extension of deadlines. The
23 first request was made on March 2, 2020 (ECF No. 23) and was granted by the court on March
24 19, 2020 (ECF 24). Mr. Wise's second motion for an extension of discovery was filed with the
25 court on June 2, 2020 (ECF No. 25). That motion was denied without prejudice by ECF No. 26
27 due to the failure to comply with LR26-6(c). Mr. Wise now re-files the motion with a
28 declaration in compliance with LR26-6(c).

- 1 • Plaintiff responded to Defendant Dennis Wise's requests for production on January 21,
2 2020.
- 3 • On December 12, 2019, Defendant Dennis Wise served subpoenas for deposition on two
4 attorneys, John Keating and Bryce Buckwalter, who were hired by the Plaintiff in this
5 case to represent Defendant Joseph DeBlanco in Clark County District Court case Wise
6 v. DeBlanco, case no. A-16-734723-C. Defendant Wise agreed to continue these
7 depositions due to availability and so that agreements could be made regarding the scope
8 of the depositions.
9

10
11 **DISCOVERY TO BE COMPLETED AND REASONS FOR**
12 **EXTENSION OF DISCOVERY**

13 Discovery to be completed includes:

- 14 • The Parties' continued supplementation of FRCP 26(a) Initial Disclosures as discovery
15 continues.
- 16 • Additional written discovery propounded by and upon Plaintiff and the Defendants.
17 Depositions of attorneys John Keating and Bryce Buckwalter.
- 18 • Deposition of Defendant Joseph DeBlanco.
- 19 • Deposition of Plaintiff's Rule 30(b)(6) witness regarding the facts of this case.
- 20 • Depositions of additional fact witnesses.
- 21 • FRCP 26(a)(2) designation of initial and rebuttal expert witnesses.
- 22 • Depositions of initial and rebuttal expert witnesses.
- 23 • Additional written discovery and depositions as necessary.
- 24
- 25

26 In his March 2, 2020 first request for an extension of discovery deadlines (ECF No. 23),
27 defendant Wise stated:
28

1 Defendant submits, pursuant to Local Rule 6-1, that good cause exists for the
2 requested extension of time. This is a declaratory relief action filed on July 29,
3 2019 in which the Plaintiff seeks a declaration that it is not obligated to provide
4 certain coverage to Defendant DeBlanco in relation to the claims asserted in state
5 court case A-16-734723-C, which was filed by Dennis Wise on April 7, 2016.
6 Among the defenses in this case are waiver and estoppel, which require the
7 parties to investigate the Plaintiff's claims file as it relates to the communications
8 between the parties on the issue of coverage and reservation of rights. Through
9 the Plaintiff's disclosures and through its responses to requests for production,
10 the Plaintiff asserts a privilege over the documents that would show the nature
11 and extent of these communications, which may lead to motion practice that
12 would have to be resolved prior to the deposition and expert discovery listed
13 above. Defendant requires additional time to resolve these issues which
14 necessitates this request for an extension in discovery. As noted above, the
15 plaintiff agrees to the extension of discovery requested in this motion.

16 The court granted the defendant Wise's motion to extend deadlines on March 19, 2020
17 (ECF 24). At the time of this order, during the month of March, the defendant's counsel's office
18 suffered a 75% loss of staff due to concerns over the Coronavirus and a full office closure after
19 a remaining staff member's exposure to the Coronavirus. The result has been a major
20 diminishment in defense counsel's office's output which has prevented the completion of
21 needed discovery in this case and which necessitates this request for a further extension of time.
22 Furthermore, in light of the current health crisis, defendant anticipates delays in taking the
23 depositions of fact witnesses (both in state and out of state) and expert witnesses and has
24 factored the anticipated delay into the below request for extension of time.

25 It should also be noted that the result of the upcoming trial in Clark County District
26 Court case Wise v. DeBlanco, case no. A-16-734723-C will have an impact on this case, and
27 may render this case moot. That case was set for trial on April 20, 2020 but was continued to a
28 five week trial stack beginning on September 8, 2020. Case no. A-16-734723-C is in the
number one position on that stack, meaning that if the Clark County District Court resumes jury
trials by that time, the case will go to trial during the 5 week stack which ends on October 9,

2020. In this case and through this motion, Defendant Wise further proposes the discovery plan below that is coordinated with the State case trial, and that will afford the parties ample time to complete the above detailed discovery.

Based on the above, defendant Wise submits that good cause exists for the proposed extension of discovery and requests that this motion be granted by the court.

EXISTING DISCOVERY PLAN

Interim Status Report	January 31, 2020
Initial Expert Disclosure Deadline	June 2, 2020
Rebuttal Expert Disclosure Deadline	July 2, 2020
Amend Pleadings and Add Parties	January 31, 2020
Discovery Cut-Off Date	August 3, 2020
Dispositive Motion Deadline	September 3, 2020
Pre-Trial Order	October 2, 2020

///

///

///

///

///

///

///

///

///

///

[PROPOSED] NEW DISCOVERY PLAN

Interim Status Report	Unchanged
Initial Expert Disclosure Deadline	December 9, 2020
Rebuttal Expert Disclosure Deadline	January 11, 2021
Amend Pleadings and Add Parties	Unchanged
Discovery Cut-Off Date	February 11, 2021
Dispositive Motion Deadline	March 11, 2021
Pre-Trial Order	April 12, 2021

DATED this 20th day of July 2020.

IT IS ORDERED that the unopposed motion is GRANTED in part and DENIED in part.

IT IS ORDERED that the discovery deadlines are extended by 90 days, rather than the approximately 6 months requested in the motion. The motion is otherwise DENIED. The Court will consider an additional extension if the parties cannot safely complete discovery within this enlarged period.

STOVALL & ASSOCIATES

/s/ Ross Moynihan

LESLIE MARK STOVALL, ESQ.

Nevada Bar No. 2566

ROSS MOYNIHAN, ESQ.

Nevada Bar No. 11848

2301 Palomino Lane

Las Vegas, Nevada 89107

Attorneys for Defendant Dennis Wise

IT IS SO ORDERED

DATED: July 24, 2020

BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE